IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: October 24th, 2007

O.M.P. No.93 of 2005

MILLAN VIHAR COOP. GROUP HOUSING SOCIETY LIMITED. ..... Petitioner

! Through: Mr.V.K.Sharma Advocate.

Versus

$ M/S.ANSAL HOUSING ESTATES PVT. LTD & ANR. .....Respondents

^ Through : Mr. Siddharth Mridul Sr. Advocate with Mr.Sachin Puri for the respondent no.1.

CORAM :-

*** HON'BLE MR. JUSTICE ANIL KUMAR**

1. Whether reporters of Local papers may be allowed to see the judgment? YES
2. To be referred to the reporter or not? NO
3. Whether the judgment should be reported the Digest? NO

ANIL KUMAR, J. (Oral)

1. On 19.9.2007 it was stated on behalf of the respondent no.1 that he will have no objection to appointment of a new Arbitrator in place of respondent no.2 and terminating his mandate, in view of various allegations made without prejudice to his rights and

contentions and because considerable time has already elapsed on this account. It was also stated that since the parties have already filed their claims, counter claims and admission and denial of the documents has also taken place, therefore, new arbitrator to be appointed be directed to carry on the proceedings further from that stage and new arbitrator be also directed to conclude the proceeding expeditiously.

2. In the facts and circumstances the learned counsel for the petitioner on instruction also consents and is agreeable for appointment of a new arbitrator who will commence the proceeding further from the stage of the pending arbitration proceedings.

3. Considering the facts and circumstances the mandate of the respondent no.2 is terminated and Mr.Prem Kumar, Advocate (Retd. Additional District Judge), is appointed as the new Arbitrator in place of respondent no.2. The fees of the Arbitrator shall be Rs.1.50 lakh to be shared equally by the petitioner and the respondent no.1. The respondent no.2, forthwith shall handover all the arbitration record to new Arbitrator appointed today so that the arbitration proceedings be carried on further. Learned Arbitrator shall proceed further in the arbitration proceedings from the stage the respondent no.2 has

already conducted the arbitration proceedings and shall hear the arguments on the claims of the parties expeditiously. The parties shall appear before the learned Arbitrator on 19th November, 2007 at 4.30 PM. Since the arbitration proceedings are pending for considerable period it will be desirable if the Learned Arbitrator may conclude the arbitration proceedings preferably within six months.

4. A copy of this order be sent forthwith to the learned arbitrator appointed today and the respondent no.2 who has to hand over the record of the arbitration proceedings to the new Arbitrator. Parties are also directed to give a copy of this order to the learned arbitrator. Copies of this order be also given to the parties Dasti. The petition is disposed of with these direction. All the pending applications, if any, are also disposed of.

October 24, 2007 **ANIL KUMAR, J.**

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